

DAE
SEW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 09/997,892)
Filed: November 11, 2001)
Applicant(s): Robert R. Keller, Jr.)
Title: METHOD AND APPARATUS)
FOR AUTOMATICALLY)
ESTABLISHING CONTROL)
VALUES FOR A CONTROL)
DEVICE)
Art Unit: 2837)
Examiner: Tyrone W. Smith)

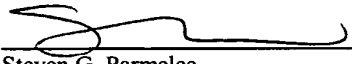
Attorney Docket No.: 72312)
Customer No.: 22242)

Confirmation No. 4224

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

8/12/04
Date


Steven G. Parmelee
Registration No. 28,790
Attorney for Applicant(s)

RESPONSE TO NOTICE OF ABANDONMENT MAILED JUNE 29, 2004

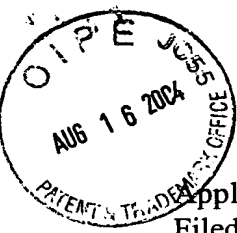
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The applicant has received a Notice of Abandonment as mailed on June 29, 2004 and as entered in the above-captioned matter. This Abandonment was entered in view of a proposed reply as received by the Patent Office on February 2, 2004 that did not include a timely filed Notice of Appeal with appeal fee.

The Applicant became apprised of this circumstance prior to receipt of the Notice of Abandonment and forwarded, on June 24, 2004 a Petition to Revive an Unintentionally Abandoned Application. This petition included a Notice of Appeal along with the requisite fee.

As this Petition was sent only five days prior to the mailing of the Notice of Abandonment, the Applicant presumes that these documents crossed in the mail and that no




Application No. 09/997,892
Filed November 30, 2001

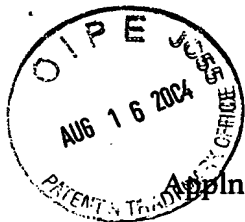
Attorney Docket No. 72312
Page 2

additional response is required at this time to the Notice of Abandonment. For the benefit of the reader, the Applicant includes with this response a copy of that earlier submitted Petition and Notice of Appeal.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Steven G. Parmelee
Registration No. 28,790

Date: 8/2/04
120 South LaSalle Street
Suite 1600
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Telephone: (312) 577-7000
Facsimile: (312) 577-7007



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn No.: 09/997,892)
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Filed: November 11, 2001)
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Applicant(s): Robert R. Keller, Jr.)
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Title: Method and Apparatus for)
Automatically Establishing)
Control Values for a Control)
Device)
)
Art Unit: 2837)
)
Examiner: Tyrone W. Smith)
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Attorney Docket No.: 72312)
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06/24/04
Date

Steven G. Parmelee
Registration No. 28,790
Attorney for Applicant(s)

DOCKETED

JUN 29 2004

BY: D. Gr.

**PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

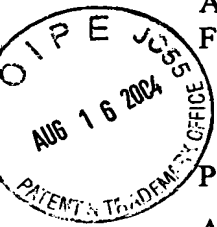
Dear Sir:

Applicants hereby respectfully petition the Commissioner under 37 C.F.R. § 1.137(b) to revive the above-identified patent application. The abandonment of the application for failure to transmit a Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences along with or prior to transmittal of the Appeal Brief mailed January 29, 2004, was unintentional.

In accordance with 37 C.F.R. § 1.137(b), authorization is hereby given to charge \$1,330.00 to Deposit Account No. 06-1135 for the fee set forth under 37 C.F.R. § 1.17(m) and submitted herewith is a Notice of Appeal from the Primary Examiner to the Board of

Appln. No. 09/997,892
Filed: November 30, 2001

Attorney Docket No. 72312
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Patent Appeals and Interferences, including authorization to charge \$330.00 to Deposit Account No. 06-1135 for the fee set forth under 37 C.F.R. § 1.17(b).

Allowance of the instant petition and revival of U.S. Patent Application Serial No. 09/997,892 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135. This sheet is filed in duplicate.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: _____

Steven G. Parmelee
Registration No. 28,790

Date: June 24, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln No.: 09/997,892

Filed: November 11, 2001

Applicant(s): Robert R. Keller, Jr.

Title: Method and Apparatus for
Automatically Establishing
Control Values for a Control
Device

Art Unit: 2837

Examiner: Tyrone W. Smith

Attorney Docket No.: 72312

Customer No.: 22242

Confirmation No. 4224

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06/24/04

Date

Steven G. Parmelee
Registration No. 28,790
Attorney for Applicant(s)

***NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

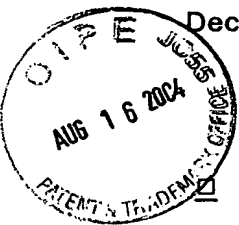
Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated October 31, 2003 finally rejecting claims 1-22 and 25-42.

- ☒ The fee for this Notice of Appeal is \$330.00 (37 CFR § 1.17(b)).
- ☐ Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 165.00.
- ☒ Charge \$330.00 to Deposit Account No. 06-1135.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Not required (fee paid in prior appeal in this application).

Application No. 09/997,892

Notice of Appeal dated June 24, 2004

Decision of Primary Examiner dated October 31, 2003



A petition for extension of time under 37 CFR § 1.136(a) is enclosed.

- ☒ The Director is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This Notice is filed in duplicate.

June 24, 2004

Date

A handwritten signature in black ink, appearing to read "S. Parmelee", written over a horizontal line.

Steven G. Parmelee

Registration No. 28,790

☒ Attorney or agent of record

☐ Inventor(s)

☐ Assignee

☐ Filed under 37 CFR § 1.34(a)

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